

Hensley, Dave

From: Brought, Andrew <abrought@spencerfane.com>
Sent: Thursday, January 19, 2017 4:58 PM
To: Hensley, Dave
Cc: Rauch, Anne; Munim.Hussain@mgpingredients.com
Subject: RE: MPGI Processing and Harcros - Announcement of CAA 112(r)/EPCRA/CERCLA Inspection 1/23-27/2017

Received, thanks Dave. We'll see you at 10:30 on Monday.

Anne, I have a quick question when you have a moment per my VM message earlier today. Give me a call when you have a moment. Thanks.

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From: Hensley, Dave [mailto:Hensley.Dave@epa.gov]
Sent: Thursday, January 19, 2017 4:48 PM
To: Brought, Andrew
Cc: Rauch, Anne; Munim.Hussain@mgpingredients.com
Subject: RE: MPGI Processing and Harcros - Announcement of CAA 112(r)/EPCRA/CERCLA Inspection 1/23-27/2017

Hi Drew and Munim,

I look forward to meeting and working with you also.

Let's plan an opening meeting at 10:30 – 11:00. Where we can discuss the purpose and goals of the inspection, I can present my credentials, and you could provide a description of the facility.

What I normally do is work out this schedule just after the opening. Based on the initial document review, and peoples availability. The checklist I sent can help guide the inspection. It provides a list of topics to be discussed. We will also need to discuss the 10/21/2016 incident. I will need your assistance on identifying who to talk to about each subject. I like to work down the checklist, but we can work with everyone's schedules. If you can identify someone for each section of the checklist and check their availability that would be a good starting point. We will need some time to review documents prior to the interviews. The typical schedule is an initial period for document review then interview, more document review, and another interview. An hour for each interview will generally provide more than enough time. If additional interviews become necessary we will work with you to accomplish them during the inspection around the individuals schedule.

Also we need to do a facility walk through focused on the RMP process and the 10/21/2016 incident location. Looking at the weather, I would like to do that Monday (1/23/2017) afternoon about 3:00 pm.

I do not plan on taking any samples, but it is possible that the need may arise during inspection. We'd work with you to get any split samples.

We will protect any CBI claim with the upmost caution following 40 CFR Part 2 Subpart B.

Dave Hensley
Physical Scientist
U.S. EPA Region 7

From: Brought, Andrew [<mailto:abrought@spencerfane.com>]

Sent: Thursday, January 19, 2017 1:28 PM

To: Hensley, Dave <Hensley.Dave@epa.gov>

Cc: Rauch, Anne <Rauch.Anne@epa.gov>; Munim.Hussain@mgpingredients.com

Subject: FW: MPGI Processing and Harcros - Announcement of CAA 112(r)/EPCRA/CERCLA Inspection 1/23-27/2017

Importance: High

Dave,

I look forward to meeting you and assisting you and the agency next week, in response to EPA's request below in connection with the incident on October 21, 2016, involving the delivery of chemicals from Harcros Chemicals, Inc.

Per your request below, the company will have hard copies of the documents that were produced to EPA in response to the Chemical Release Questionnaire available to you on Monday morning. The responsive documents will be separated between non-CBI, and CBI, to make it easy for you and your team. Note also that some of the documents already produced to EPA were videos. To make it easy for you and EPA, the company will have two CDs for you with the videos. One with CBI (i.e., video inside the control room) and one with non CBI (video captured outside the control room).

You mentioned below that you or your team may also like to interview employees or take statements as part of the review. If you are intending to or ultimately decide to talk with individuals, and to help facilitate your visit and maximize the efficiency of the visit, if you can let us know who you would like to interview and on what days and what time, we can work to try and ensure that those individuals are available at the requested time. The sooner we know this information (whether named individuals or job title), the more likely we can ensure that the individuals will be available when requested.

Also, if you collect any samples, the company will request to collect a split at the same time to run at the company's third-party laboratory. In terms of photographs, as with documents, there are certain processes/equipment/etc. that are CBI and will need to ensure any photographs of those areas are protected.

Regards,
Drew

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From: Hensley, Dave [<mailto:Hensley.Dave@epa.gov>]
Sent: Wednesday, January 18, 2017 12:46 PM
To: Hussain, Munim
Subject: Announcement of CAA 112(r)/EPCRA/CERCLA Inspection 1/23-27/2017

Mr. Munim Hussain;

This is to inform you of an upcoming Environmental Protection Agency inspection of the MGPI Processing, Inc., facility at 1300 Main Street, Atchison, Kansas. Krystal Stotts, Amber Whisnant, and I (Dave Hensley) will arrive at about 10:00 am, on Monday January, 23, 2017, at the office located at 1300 Main St, Atchison, Kansas. If this is not the correct address, please let me know by return email. You were selected for inspection because of the incident on October 21, 2016 at your facility. This inspection is for the purpose of determining compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 section 103, Emergency Planning and Community Right-to- Know Act (EPCRA) of 1986, and the Clean Air Act (CAA) of 1990 Section 112r. The scope of this inspection may include but is not limited to: reviewing and obtaining copies of documents and records; interviews and taking statements; review of manufacturing, importing, processing, use, and/or waste treatment facilities; taking samples and photographs; and other inspection activities necessary to determine compliance with the EPCRA and the Clean Air Act. I anticipate this inspection will take about five days for your facility. It can take less if everything is well documented and in good order, however it may take longer. Attached is the checklists I will be using. Since you indicate your facility is program 3. I will use the Region 7 U.S. Environmental Protection Agency Checklist for Risk Management Investigations or Audits at Program 3 Stationary Sources.

I will be asking for copies of certain documents and will have a portable scanner with me capable of taking letter/legal size documents. I will need to tour the physical facility and take some digital photographs to demonstrate to the Case Review Officer (CRO) the condition of the equipment. You will receive a receipt for all documents that I will be scanning and the digital photographs I take. Any documents you wish to claim as confidential business information (CBI) will be dutifully noted and recorded separately. I am attaching an initial list of documents to be reviewed during the inspection. This is not intended to be all inclusive but a starting point.

I am aware of your response to a U.S. EPA Region 7 Chemical Release Questionnaire, on January 17, 2017. Due to our policies to protect your CBI we cannot accept the CBI via the internet. We are requesting you provide a hard copy of the response I can accept during the inspection to give the CBI all due protection.

If your facility has a break room, conference room, or other area with a large table, where the documents could be reviewed and I could set up my laptop and scanner with access to electric outlets that would be helpful.

You should be aware that the Clean Air Act (CAA) Section 112(r)(6)(L) provides facility employees and employee representatives with the right to participate in the physical inspection of any workplace conducted pursuant to CAA Section 112(r) as provided in the Occupational Safety and Health (OSH) Act (29 CFR 1903.8). Based on this you should notify, upon receipt of this email, the employee representative(s), if any, of the date and time of the on-site inspection and provide them a copy of this

email notice. You should also post a copy of this email, upon receipt, in the area subject to the inspection.

Please respond to this email as soon as possible confirming you were able to open and print the checklist, and validating our date and time for the inspection. If you have any questions, please don't hesitate to call or email.

Dave Hensley
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